

REFERENCE TITLE: ELL; SEI models; budget requests

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HB 2660

Introduced by
Representatives Boone, Pierce, Robson, Tully, Weiers J

AN ACT

AMENDING SECTION 15-241, ARIZONA REVISED STATUTES; REPEALING SECTION 15-756, ARIZONA REVISED STATUTES; RENUMBERING SECTION 15-756.01, ARIZONA REVISED STATUTES, AS SECTION 15-757; AMENDING TITLE 15, CHAPTER 7, ARTICLE 3.1, ARIZONA REVISED STATUTES, BY ADDING NEW SECTIONS 15-756 AND 15-756.01 AND SECTIONS 15-756.02 THROUGH 15-756.12; AMENDING SECTIONS 15-901 AND 15-943, ARIZONA REVISED STATUTES; AMENDING SECTION 15-943, ARIZONA REVISED STATUTES, AS AMENDED BY THIS ACT; AMENDING SECTION 41-1279.03, ARIZONA REVISED STATUTES; MAKING APPROPRIATIONS; RELATING TO ENGLISH LANGUAGE LEARNERS; PROVIDING FOR CONDITIONAL ENACTMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-241, Arizona Revised Statutes, is amended to
3 read:

4 15-241. School accountability: schools failing to meet academic
5 standards: failing schools tutoring fund

6 A. The department of education shall compile an annual achievement
7 profile for each public school.

8 B. Each school shall submit to the department any data that is
9 required and requested and that is necessary to compile the achievement
10 profile. A school that fails to submit the information that is necessary is
11 not eligible to receive monies from the classroom site fund established by
12 section 15-977.

13 C. The department shall establish a baseline achievement profile for
14 each school by October 15, 2001. The baseline achievement profile shall be
15 used to determine a standard measurement of acceptable academic progress for
16 each school and a school classification pursuant to subsection G of this
17 section. Any disclosure of educational records compiled by the department of
18 education pursuant to this section shall comply with the family educational
19 and privacy rights act of 1974 (20 United States Code section 1232g).

20 D. The achievement profile for schools that offer instruction in
21 kindergarten programs and grades one through eight, or any combination of
22 those programs or grades, shall include the following school academic
23 performance indicators:

24 1. The Arizona measure of academic progress. The department shall
25 compute the extent of academic progress made by the pupils in each school
26 during the course of each year.

27 2. The Arizona instrument to measure standards test. The department
28 shall compute the percentage of pupils who meet or exceed the standard on the
29 Arizona instrument to measure standards test, as prescribed by the state
30 board of education.

31 3. THE RESULTS OF ENGLISH LANGUAGE LEARNERS TESTS ADMINISTERED
32 PURSUANT TO SECTION 15-756, SUBSECTION B.

33 E. The achievement profile for schools that offer instruction in
34 grades nine through twelve, or any combination of those grades, shall include
35 the following school academic performance indicators:

36 1. The Arizona instrument to measure standards test. The department
37 shall compute the percentage of pupils pursuant to subsection F of this
38 section who meet or exceed the standard on the Arizona instrument to measure
39 standards test, as prescribed by the state board of education.

40 2. The annual dropout rate.

41 3. The annual graduation rate.

42 4. THE RESULTS OF ENGLISH LANGUAGE LEARNERS TESTS ADMINISTERED
43 PURSUANT TO SECTION 15-756, SUBSECTION B.

44 F. Subject to final adoption by the state board of education, the
45 department shall determine the criteria for each school classification using

1 a research based methodology. The methodology shall include the performance
2 of pupils at all achievement levels, account for pupil mobility, account for
3 the distribution of pupil achievement at each school and include longitudinal
4 indicators of academic performance. For the purposes of this subsection,
5 "research based methodology" means the systematic and objective application
6 of statistical and quantitative research principles to determine a standard
7 measurement of acceptable academic progress for each school.

8 G. The achievement profile shall be used to determine a school
9 classification that designates each school as one of the following:

- 10 1. An excelling school.
- 11 2. A highly performing school.
- 12 3. A performing school.
- 13 4. An underperforming school.
- 14 5. A school failing to meet academic standards.

15 H. The classification for each school and the criteria used to
16 determine classification pursuant to subsection F of this section shall be
17 included on the school report card prescribed in section 15-746.

18 I. Subject to final adoption by the state board of education, the
19 department of education shall develop a parallel achievement profile for
20 accommodation schools, alternative schools as defined by the state board of
21 education and schools with a student count of fewer than one hundred pupils.

22 J. If a school is designated as an underperforming school, within
23 ninety days after receiving notice of the designation, the governing board
24 shall develop an improvement plan for the school, submit a copy of the plan
25 to the superintendent of public instruction and supervise the implementation
26 of the plan. The plan shall include necessary components as identified by
27 the state board of education. Within thirty days after submitting the
28 improvement plan to the superintendent of public instruction, the governing
29 board shall hold a special public meeting in each school that has been
30 designated as an underperforming school and shall present the respective
31 improvement plans that have been developed for each school. The school
32 district governing board, within thirty days of receiving notice of the
33 designation, shall provide written notification of the classification to each
34 residence within the attendance area of the school. The notice shall explain
35 the improvement plan process and provide information regarding the public
36 meeting required by this subsection.

37 K. A school that has not submitted an improvement plan pursuant to
38 subsection J of this section is not eligible to receive monies from the
39 classroom site fund established by section 15-977 for every day that a plan
40 has not been received by the superintendent of public instruction within the
41 time specified in subsection J of this section plus an additional ninety
42 days. The state board of education shall require the superintendent of the
43 school district to testify before the board and explain the reasons that an
44 improvement plan for that school has not been submitted.

1 L. If a charter school is designated as an underperforming school,
2 within thirty days the school shall notify the parents of the students
3 attending the school of the classification. The notice shall explain the
4 improvement plan process and provide information regarding the public meeting
5 required by this subsection. Within ninety days of receiving the
6 classification, the charter holder shall present an improvement plan to the
7 charter sponsor at a public meeting and submit a copy of the plan to the
8 superintendent of public instruction. The improvement plan shall include
9 necessary components as identified by the state board of education. For
10 every day that an improvement plan is not received by the superintendent of
11 public instruction, the school is not eligible to receive monies from the
12 classroom site fund established by section 15-977 for ninety days plus every
13 day that a plan is not received. The charter holder shall appear before the
14 sponsoring board and explain why the improvement plan has not been submitted.

15 M. The department of education shall establish an appeals process, to
16 be approved by the state board of education, for a school to appeal data used
17 to determine the achievement profile of the school. The criteria established
18 shall be based on mitigating factors and may include a visit to the school
19 site by the department of education.

20 N. If a school remains classified as an underperforming school for a
21 third consecutive year, the department of education shall visit the school
22 site to confirm the classification data and to review the implementation of
23 the school's improvement plan. The school shall be classified as failing to
24 meet academic standards unless an alternate classification is made after an
25 appeal pursuant to subsection M of this section.

26 O. The school district governing board, within thirty days of
27 receiving notice of the school failing to meet academic standards
28 classification, shall provide written notification of the classification to
29 each residence in the attendance area of the school. The notice shall
30 explain the improvement plan process and provide information regarding the
31 public meeting required by subsection R of this section.

32 P. The superintendent of public instruction, based on need, shall
33 assign a solutions team to an underperforming school or a school failing to
34 meet academic standards comprised of master teachers, fiscal analysts and
35 curriculum assessment experts who are certified by the state board of
36 education as Arizona academic standards technicians. The department of
37 education may hire or contract with administrators, principals and teachers
38 who have demonstrated experience with the characteristics and situations in
39 an underperforming school or a school failing to meet academic standards and
40 may use these personnel as part of the solutions team. The team shall work
41 with staff at the school to assist in curricula alignment and shall instruct
42 teachers on how to increase pupil academic progress, considering the school's
43 achievement profile. The team shall select two master teachers to be
44 employed by the school. The solutions team shall consider the existing

1 improvement plan to assess the need for changes to curriculum, professional
2 development and resource allocation.

3 Q. The parent or the guardian of the pupil may apply to the department
4 of education, in a manner determined by the department of education, for a
5 certificate of supplemental instruction from the failing schools tutoring
6 fund established by this section. Pupils attending a school designated as an
7 underperforming school or a school failing to meet academic standards or a
8 pupil who has failed to pass one or more portions of the Arizona instrument
9 to measure standards test in order to graduate from high school may select an
10 alternative tutoring program in academic standards from a provider that is
11 certified by the state board of education. To qualify, the provider must
12 guarantee in writing a stated level of academic improvement for the pupil
13 that includes a timeline for improvement that is agreed to by the parent or
14 guardian of the pupil and the provider shall agree to refund to the state the
15 standards assistance grant monies if the guaranteed level of academic
16 improvement is not met. The state board of education shall determine the
17 application guidelines and the maximum value for each certificate of
18 supplemental instruction. The state board of education shall annually
19 complete a market survey in order to determine the maximum value for each
20 certificate of supplemental instruction. Nothing in this subsection shall be
21 construed to require the state to provide additional monies beyond the monies
22 provided pursuant to section 42-5029, subsection E, paragraph 7.

23 R. Within sixty days of receiving notification of designation as a
24 school failing to meet academic standards, the school district governing
25 board shall evaluate needed changes to the existing improvement plan for the
26 school, consider recommendations from the solutions team, submit a copy of
27 the plan to the superintendent of public instruction and supervise the
28 implementation of the plan. Within thirty days after submitting the
29 improvement plan to the superintendent of public instruction, the governing
30 board shall hold a public meeting in each school that has been designated as
31 a school failing to meet academic standards and shall present the respective
32 improvement plans that have been developed for each school.

33 S. A school that has not submitted an improvement plan pursuant to
34 subsection R of this section is not eligible to receive monies from the
35 classroom site fund established by section 15-977 for every day that a plan
36 has not been received by the superintendent of public instruction within the
37 time specified in subsection R of this section plus an additional ninety
38 days. The state board of education shall require the superintendent of the
39 school district to testify before the board and explain the reasons that an
40 improvement plan for that school has not been submitted.

41 T. If a charter school is designated as a school failing to meet
42 academic standards, the department of education shall immediately notify the
43 charter school's sponsor. The charter school's sponsor shall either take
44 action to restore the charter school to acceptable performance or revoke the
45 charter school's charter. Within thirty days the school shall notify the

1 parents of the students attending the school of the classification and of any
2 pending public meetings to review the issue.

3 U. A school that has been designated as a school failing to meet
4 academic standards shall be evaluated by the department of education to
5 determine if the school failed to properly implement its school improvement
6 plan, the alignment of the curriculum with academic standards, teacher
7 training, budget prioritization or other proven strategies to improve
8 academic performance. After visiting the school site pursuant to subsection
9 N of this section, the department of education shall submit to the state
10 board of education a recommendation to proceed pursuant to subsections P, Q
11 and R of this section or that the school be subject to a public hearing to
12 determine if the school failed to properly implement its improvement plan and
13 the reasons for the department's recommendation.

14 V. If the department does recommend a public hearing, the state board
15 of education shall meet and may provide by a majority vote at the public
16 hearing for the continued operation of the school as allowed by this
17 subsection. The state board of education shall determine whether
18 governmental, nonprofit and private organizations may submit applications to
19 the state board to fully or partially manage the school. The state board's
20 determination shall include:

21 1. If and to what extent the local governing board may participate in
22 the operation of the school including personnel matters.

23 2. If and to what extent the state board of education shall
24 participate in the operation of the school.

25 3. Resource allocation pursuant to subsection X of this section.

26 4. Provisions for the development and submittal of a school
27 improvement plan to be presented in a public meeting at the school.

28 5. A suggested time frame for the alternative operation of the school.

29 W. The state board shall periodically review the status of a school
30 that is operated by an organization other than the school district governing
31 board to determine whether the operation of the school should be returned to
32 the school district governing board. Before the state board makes a
33 determination, the state board or its designee shall meet with the school
34 district governing board or its designee to determine the time frame,
35 operational considerations and the appropriate continuation of existing
36 improvements that are necessary to assure a smooth transition of authority
37 from the other organization back to the school district governing board.

38 X. If an alternative operation plan is provided pursuant to subsection
39 V of this section, the state board of education shall pay for the operation
40 of the school and shall adjust the school district's student count pursuant
41 to section 15-902, soft capital allocation pursuant to section 15-962,
42 capital outlay revenue limit pursuant to section 15-961, base support level
43 pursuant to section 15-943, monies distributed from the classroom site fund
44 established ~~in~~ BY section 15-977 and transportation support level pursuant to
45 section 15-945 to accurately reflect any reduction in district services that

are no longer provided to that school by the district. The state board of education may modify the school district's revenue control limit, the district support level and the general budget limit calculated pursuant to section 15-947 by an amount that corresponds to this reduction in services. The state board of education shall retain the portion of state aid that would otherwise be due the school district for the school and shall distribute that portion of state aid directly to the organization that contracts with the state board of education to operate the school.

Y. If the state board of education determines that a charter school failed to properly implement its improvement plan, the sponsor of the charter school shall revoke the charter school's charter.

Z. If there are more than two schools in a district and more than one-half, or in any case more than five, of the schools in the district are designated as schools failing to meet academic standards for more than two consecutive years, in the next election of members of the governing board the election ballot shall contain the following statement immediately above the listing of governing board candidates:

Within the last five years, (number of schools) schools in the _____ school district have been designated as "schools failing to meet academic standards" by the superintendent of public instruction.

AA. At least twice each year the department of education shall publish in a newspaper of general circulation in each county of this state a list of schools that are designated as schools failing to meet academic standards.

BB. The failing schools tutoring fund is established consisting of monies collected pursuant to section 42-5029, subsection E as designated for this purpose. The department of education shall administer the fund.

Sec. 2. Repeal

Section 15-756, Arizona Revised Statutes, is repealed.

Sec. 3. Renumber

Section 15-756.01, Arizona Revised Statutes, is renumbered as section 15-757.

Sec. 4. Title 15, chapter 7, article 3.1, Arizona Revised Statutes, is amended by adding new sections 15-756 and 15-756.01 and sections 15-756.02 through 15-756.12, to read:

15-756. Identification of English language learners

A. THE PRIMARY OR HOME LANGUAGE FOR ALL NEW PUPILS WHO ENROLL IN A SCHOOL DISTRICT OR CHARTER SCHOOL SHALL BE IDENTIFIED IN A MANNER PRESCRIBED BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

B. THE ENGLISH LANGUAGE PROFICIENCY OF ALL PUPILS WITH A PRIMARY OR HOME LANGUAGE OTHER THAN ENGLISH SHALL BE ASSESSED THROUGH THE ADMINISTRATION OF ENGLISH LANGUAGE PROFICIENCY EXAMS IN A MANNER PRESCRIBED BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION. THE TEST SCORES ADOPTED BY THE SUPERINTENDENT AS INDICATING ENGLISH LANGUAGE PROFICIENCY SHALL BE BASED ON THE TEST VENDORS' CUT SCORES. THE DEPARTMENT SHALL ANNUALLY REQUEST AN

1 APPROPRIATION TO PAY FOR THE PURCHASE OF ALL LANGUAGE PROFICIENCY TESTS FOR
2 SCHOOL DISTRICTS AND CHARTER SCHOOLS.

3 C. IF IT IS DETERMINED THAT THE PUPIL IS NOT ENGLISH LANGUAGE
4 PROFICIENT, THE PUPIL SHALL BE CLASSIFIED AS AN ENGLISH LANGUAGE LEARNER AND
5 SHALL BE ENROLLED IN AN ENGLISH LANGUAGE EDUCATION PROGRAM PURSUANT TO
6 SECTION 15-752 OR 15-753.

7 15-756.01. Arizona English language learners task force;
8 research based models of structured English
9 immersion for English language learners; budget
10 requests; definitions

11 A. THE ARIZONA ENGLISH LANGUAGE LEARNERS TASK FORCE IS ESTABLISHED IN
12 THE DEPARTMENT OF EDUCATION. THE TASK FORCE SHALL CONSIST OF NINE MEMBERS,
13 INCLUDING ONE MEMBER WHO IS A CURRENT OR FORMER COUNTY SCHOOL SUPERINTENDENT
14 IN THIS STATE, THREE CURRENT OR FORMER SCHOOL BUSINESS OFFICIALS, ONE OF WHOM
15 IS NOT CURRENTLY EMPLOYED AT A SCHOOL DISTRICT, ONE CHARTER SCHOOL OWNER OR
16 OPERATOR AND FOUR MEMBERS WHO ARE FROM THE EDUCATION COMMUNITY OF THIS STATE
17 AND WHO ARE EXPERTS IN STRUCTURED ENGLISH IMMERSION.

18 B. MEMBERS OF THE TASK FORCE SERVE AT THE PLEASURE OF THE
19 SUPERINTENDENT OF PUBLIC INSTRUCTION. MEMBERS OF THE TASK FORCE SHALL ELECT
20 A CHAIRPERSON FROM AMONG THE MEMBERS OF THE TASK FORCE. THE DEPARTMENT OF
21 EDUCATION SHALL PROVIDE ADEQUATE STAFF SUPPORT FOR THE TASK FORCE.

22 C. THE TASK FORCE SHALL DEVELOP AND ADOPT RESEARCH BASED MODELS OF
23 STRUCTURED ENGLISH IMMERSION PROGRAMS FOR USE BY SCHOOL DISTRICTS AND CHARTER
24 SCHOOLS. THE MODELS SHALL INCLUDE ESTIMATED PER PUPIL INCREMENTAL COSTS FOR
25 EACH MODEL, TAKING INTO CONSIDERATION AT LEAST THE SIZE OF THE SCHOOL, THE
26 LOCATION OF THE SCHOOL, THE GRADE LEVELS AT THE SCHOOL, THE NUMBER OF ENGLISH
27 LANGUAGE LEARNERS AND THE PERCENTAGE OF ENGLISH LANGUAGE LEARNERS. THE
28 MODELS SHALL BE LIMITED TO PROGRAMS FOR ENGLISH LANGUAGE LEARNERS TO
29 PARTICIPATE IN A STRUCTURED ENGLISH IMMERSION PROGRAM NOT NORMALLY INTENDED
30 TO EXCEED ONE YEAR.

31 D. THE RESEARCH BASED MODELS OF STRUCTURED ENGLISH IMMERSION ADOPTED
32 BY THE TASK FORCE SHALL BE THE MOST COST-EFFICIENT MODELS THAT MEET ALL STATE
33 AND FEDERAL LAWS.

34 E. THE RESEARCH BASED MODELS OF STRUCTURED ENGLISH IMMERSION SHALL BE
35 LIMITED TO A REGULAR SCHOOL YEAR AND SCHOOL DAY. INSTRUCTION OUTSIDE THE
36 REGULAR SCHOOL YEAR OR SCHOOL DAY SHALL BE PROVIDED WITH COMPENSATORY
37 INSTRUCTION AS DEFINED IN SECTION 15-756.10 AND MAY BE ELIGIBLE FOR FUNDING
38 FROM THE STATEWIDE COMPENSATORY INSTRUCTION FUND. NOTHING IN THIS SUBSECTION
39 SHALL BE CONSTRUED TO PROHIBIT THE PROVISION OF COMPENSATORY INSTRUCTION
40 DURING THE REGULAR SCHOOL DAY WITHIN THE REGULAR SCHOOL YEAR.

41 F. THE RESEARCH BASED MODELS OF STRUCTURED ENGLISH IMMERSION SHALL BE
42 SUBMITTED BY THE TASK FORCE TO THE PRESIDENT OF THE SENATE, THE SPEAKER OF
43 THE HOUSE OF REPRESENTATIVES, THE GOVERNOR AND THE STATE BOARD OF EDUCATION.

44 G. THE TASK FORCE SHALL REVIEW RESEARCH BASED MODELS OF STRUCTURED
45 ENGLISH IMMERSION AT LEAST ONCE EVERY FIVE YEARS.

H. THE TASK FORCE SHALL ESTABLISH A PROCESS FOR SCHOOL DISTRICTS AND CHARTER SCHOOLS TO DETERMINE THE INCREMENTAL COSTS FOR IMPLEMENTATION OF THE RESEARCH BASED MODELS OF STRUCTURED ENGLISH IMMERSION DEVELOPED BY THE TASK FORCE.

I. THE TASK FORCE SHALL ESTABLISH A FORMULA FOR SCHOOL DISTRICTS AND CHARTER SCHOOLS TO DETERMINE THE STRUCTURED ENGLISH IMMERSION BUDGET REQUEST AMOUNT. THE MAXIMUM AMOUNT OF THE BUDGET REQUEST SHALL BE THE INCREMENTAL COSTS OF THE MODEL SELECTED OFFSET BY ALL FEDERAL MONIES THAT LEGALLY MAY BE USED FOR THE EDUCATIONAL NEEDS OF ENGLISH LANGUAGE LEARNERS AND ALL DESEGREGATION MONIES LEVIED PURSUANT TO SECTION 15-910. THE DIFFERENCE SHALL BE THE MAXIMUM AMOUNT OF THE STRUCTURED ENGLISH IMMERSION BUDGET REQUEST PURSUANT TO SECTION 15-756.02 FOR MONIES FROM THE ARIZONA STRUCTURED ENGLISH IMMERSION FUND ESTABLISHED BY SECTION 15-756.03. BEGINNING JULY 15, 2008, SCHOOL DISTRICTS AND CHARTER SCHOOLS SHALL NOT INCLUDE THE INCREMENTAL COSTS OF ANY PUPIL WHO HAS BEEN CLASSIFIED AS AN ENGLISH LANGUAGE LEARNER AFTER JULY 1, 2007 OR WHO HAS BEEN CLASSIFIED AS AN ENGLISH LANGUAGE LEARNER FOR MORE THAN TWO YEARS IN THE CALCULATION OF THE SCHOOL DISTRICT'S OR CHARTER SCHOOL'S STRUCTURED ENGLISH IMMERSION BUDGET REQUEST.

J. IN CONSULTATION WITH THE AUDITOR GENERAL, THE DEPARTMENT OF EDUCATION SHALL DEVELOP AND ADOPT FORMS TO BE USED BY SCHOOL DISTRICTS AND CHARTER SCHOOLS TO SUBMIT BUDGET REQUESTS OF THE ARIZONA STRUCTURED ENGLISH IMMERSION FUND, INCLUDING A FORM THAT CONTAINS THE FORMULA PRESCRIBED IN SUBSECTION I OF THIS SECTION.

K. FOR THE PURPOSES OF THIS SECTION:

1. "COMPENSATORY INSTRUCTION" HAS THE SAME MEANING PRESCRIBED IN SECTION 15-756.10.

2. "INCREMENTAL COSTS" MEANS COSTS THAT ARE ASSOCIATED WITH A STRUCTURED ENGLISH IMMERSION PROGRAM PURSUANT TO SECTION 15-752 OR A PROGRAM PURSUANT TO SECTION 15-753 AND THAT ARE IN ADDITION TO THE NORMAL COSTS OF CONDUCTING PROGRAMS FOR ENGLISH PROFICIENT STUDENTS. INCREMENTAL COSTS DO NOT INCLUDE COSTS THAT REPLACE THE SAME TYPES OF SERVICES PROVIDED TO ENGLISH PROFICIENT STUDENTS OR COMPENSATORY INSTRUCTION.

15-756.02. Structured English immersion plans; budget request

A. EACH SCHOOL DISTRICT GOVERNING BOARD AND EACH GOVERNING BODY OF A CHARTER SCHOOL SHALL SELECT ONE OR MORE OF THE TASK FORCE APPROVED MODELS FOR STRUCTURED ENGLISH IMMERSION FOR IMPLEMENTATION ON A SCHOOL BY SCHOOL BASIS.

B. IF A SCHOOL DISTRICT OR CHARTER SCHOOL QUALIFIES TO SUBMIT A BUDGET REQUEST BASED ON THE FORMULA CONTAINED IN THE FORM PRESCRIBED IN SECTION 15-756.01, SUBSECTION I, THE SCHOOL DISTRICT OR CHARTER SCHOOL SHALL SUBMIT A STRUCTURED ENGLISH IMMERSION BUDGET REQUEST ON A SCHOOL BY SCHOOL BASIS. THE BUDGET REQUEST SHALL BE FOR A SPECIFIC AMOUNT OF SUPPLEMENTAL MONIES FROM THE ARIZONA STRUCTURED ENGLISH IMMERSION FUND ESTABLISHED BY SECTION 15-756.03.

C. EACH SCHOOL DISTRICT OR CHARTER SCHOOL STRUCTURED ENGLISH IMMERSION BUDGET REQUEST SHALL INCLUDE THE SIGNATURE OF THE SUPERINTENDENT OF THE SCHOOL DISTRICT AND THE CHIEF FINANCIAL OFFICER OF THE SCHOOL DISTRICT OR THE

1 PRINCIPAL OF THE CHARTER SCHOOL AND THE CHIEF FINANCIAL OFFICER OF THE
2 CHARTER SCHOOL THAT CERTIFIES THAT THE INFORMATION IN THE BUDGET REQUEST IS
3 TRUE TO THE BEST OF THAT PERSON'S KNOWLEDGE AND HAS BEEN CALCULATED IN
4 ACCORDANCE WITH THE FORMULA CONTAINED IN THE FORM PRESCRIBED IN SECTION
5 15-756.01, SUBSECTION I AND MONIES FROM THE ARIZONA STRUCTURED ENGLISH
6 IMMERSION FUND ESTABLISHED BY SECTION 15-756.03 SHALL NOT BE USED TO SUPPLANT
7 ANY FEDERAL, STATE OR LOCAL MONIES USED FOR ENGLISH LANGUAGE LEARNERS.

8 D. BEGINNING JULY 1, 2007, EACH SCHOOL DISTRICT AND CHARTER SCHOOL
9 THAT SUBMITS A STRUCTURED ENGLISH IMMERSION BUDGET REQUEST SHALL SUBMIT THE
10 BUDGET REQUEST TO THE DEPARTMENT OF EDUCATION ANNUALLY ON OR BEFORE JULY 15.
11 THE DEPARTMENT OF EDUCATION SHALL VERIFY THE BUDGET REQUEST OF EACH SCHOOL
12 DISTRICT AND CHARTER SCHOOL FOR ACCURACY AND COMPLIANCE WITH THE FORMULA
13 CONTAINED IN THE FORM PRESCRIBED IN SECTION 15-756.01, SUBSECTION I. THE
14 DEPARTMENT SHALL COLLECT ALL SCHOOL DISTRICT AND CHARTER SCHOOL BUDGET
15 REQUESTS AND SUBMIT THEM TO THE LEGISLATURE FOR FUNDING FROM THE ARIZONA
16 STRUCTURED ENGLISH IMMERSION FUND ESTABLISHED BY SECTION 15-756.03 AT THE
17 SAME TIME AS THE DEPARTMENT'S BUDGET REQUEST.

18 15-756.03. Arizona structured English immersion fund

19 A. THE ARIZONA STRUCTURED ENGLISH IMMERSION FUND IS ESTABLISHED. THE
20 DEPARTMENT OF EDUCATION SHALL ADMINISTER THE FUND.

21 B. THE DEPARTMENT SHALL SUBMIT AN ANNUAL REQUEST FOR AN APPROPRIATION
22 FOR THE PURPOSES OF THIS SECTION.

23 C. THE DEPARTMENT SHALL DISTRIBUTE MONIES FROM THE FUND TO SCHOOL
24 DISTRICTS AND CHARTER SCHOOLS IN AN AMOUNT SPECIFIED IN THE BUDGET REQUEST
25 PRESCRIBED IN SECTION 15-756.02, SUBSECTION D.

26 D. THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL ATTEMPT TO OBTAIN
27 THE MAXIMUM AMOUNT OF FEDERAL FUNDING THAT IS AVAILABLE FOR ENGLISH LANGUAGE
28 LEARNER PROGRAMS.

29 E. EACH SCHOOL DISTRICT AND CHARTER SCHOOL SHALL ESTABLISH A LOCAL
30 LEVEL STRUCTURED ENGLISH IMMERSION FUND TO RECEIVE MONIES DISTRIBUTED FROM
31 THE ARIZONA STRUCTURED ENGLISH IMMERSION FUND. MONIES IN LOCAL LEVEL
32 STRUCTURED ENGLISH IMMERSION FUNDS SHALL ONLY BE SPENT TO PROVIDE INSTRUCTION
33 TO ENGLISH LANGUAGE LEARNERS. THE AUDITOR GENERAL SHALL MODIFY THE BUDGET
34 FORMAT, FINANCIAL RECORD REQUIREMENTS, ACCOUNTING FORMS AND FINANCIAL REPORT
35 FORMS IN ACCORDANCE WITH THIS SUBSECTION. IN CONSULTATION WITH THE
36 DEPARTMENT OF EDUCATION, THE AUDITOR GENERAL SHALL PROVIDE SUPPORT AND
37 GUIDANCE TO ASSIST SCHOOL DISTRICTS AND CHARTER SCHOOLS IN COMPLIANCE WITH
38 THIS SUBSECTION. DOCUMENTS DEVELOPED PURSUANT TO THIS SUBSECTION SHALL BE
39 REVIEWED BY THE ARIZONA ENGLISH LANGUAGE LEARNERS TASK FORCE ESTABLISHED BY
40 SECTION 15-756.01 AND THE JOINT LEGISLATIVE BUDGET COMMITTEE.

41 F. SCHOOL DISTRICTS AND CHARTER SCHOOLS SHALL USE MONIES FROM THE FUND
42 TO SUPPLEMENT EXISTING PROGRAMS FOR ENGLISH LANGUAGE LEARNERS. MONIES SHALL
43 NOT BE USED TO SUPPLANT ANY FEDERAL, STATE OR LOCAL MONIES USED FOR ENGLISH
44 LANGUAGE LEARNERS. MONIES FROM THE FUND SHALL NOT BE USED TO SUPPLANT

1 AVAILABLE MONIES USED TO PAY FOR THE NORMAL COSTS OF CONDUCTING PROGRAMS FOR
2 ENGLISH PROFICIENT STUDENTS.

3 15-756.04. Reassessment and reclassification of English
4 language learners

5 A. THE PROCESS OF REASSESSMENT OF ENGLISH LANGUAGE LEARNERS FOR THE
6 PURPOSE OF DETERMINING ENGLISH LANGUAGE PROFICIENCY SHALL BE CONDUCTED AT
7 LEAST ANNUALLY AT THE END OF EACH SCHOOL YEAR IN A MANNER PRESCRIBED BY THE
8 SUPERINTENDENT OF PUBLIC INSTRUCTION.

9 B. A PUPIL WHO SCORES AT OR ABOVE THE TEST PUBLISHER'S DESIGNATED
10 SCORE FOR ENGLISH PROFICIENCY SHALL BE CONSIDERED ENGLISH PROFICIENT. THE
11 PUPIL SHALL NO LONGER BE CLASSIFIED AS AN ENGLISH LANGUAGE LEARNER AND SHALL
12 BE RECLASSIFIED AS ENGLISH PROFICIENT.

13 C. A PUPIL WHO HAS ATTAINED ENGLISH PROFICIENCY PURSUANT TO THIS
14 SECTION SHALL BE TRANSFERRED TO ENGLISH LANGUAGE MAINSTREAM CLASSROOMS.

15 15-756.05. Reevaluation of former English language learners

16 THE ENGLISH LANGUAGE PROFICIENCY OF EACH PUPIL PREVIOUSLY CLASSIFIED AS
17 AN ENGLISH LANGUAGE LEARNER WITHIN THE LAST TWO YEARS SHALL BE TESTED
18 ANNUALLY AT THE END OF EACH SCHOOL YEAR, IN THE SAME MANNER AS PROVIDED IN
19 SECTION 15-756, SUBSECTION B. THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL
20 PRESCRIBE THE MANNER IN WHICH PUPILS ARE REEVALUATED. PUPILS WHO FAIL TO
21 DEMONSTRATE ENGLISH PROFICIENCY ON THE REASSESSMENT TEST IN THE TWO YEARS
22 FOLLOWING THEIR EXIT FROM STRUCTURED ENGLISH IMMERSION, SUBJECT TO PARENTAL
23 CONSENT, SHALL BE REENROLLED IN STRUCTURED ENGLISH IMMERSION PURSUANT TO
24 SECTION 15-752 AND MAY BE PROVIDED COMPENSATORY INSTRUCTION AS DEFINED IN
25 SECTION 15-756.10.

26 15-756.06. Division of English language acquisition services:
27 duties

28 THE DIVISION OF ENGLISH LANGUAGE ACQUISITION SERVICES IS ESTABLISHED IN
29 THE DEPARTMENT OF EDUCATION. THE DEPARTMENT OF EDUCATION, DIVISION OF
30 ENGLISH LANGUAGE ACQUISITION SERVICES, SHALL:

31 1. DEVELOP GUIDELINES FOR THE MONITORING OF SCHOOL DISTRICTS AND
32 CHARTER SCHOOLS FOR THE PURPOSE OF ENSURING COMPLIANCE WITH ALL FEDERAL AND
33 STATE LAWS REGARDING ENGLISH LANGUAGE LEARNERS.

34 2. IN CONSULTATION WITH COUNTY SCHOOL SUPERINTENDENTS, DEVELOP
35 REGIONAL PROGRAMS TO ENHANCE ALL ASPECTS OF TRAINING FOR TEACHERS AND
36 ADMINISTRATORS.

37 3. PUBLISH ENGLISH LANGUAGE LEARNER POLICY GUIDELINES FOR SCHOOL
38 DISTRICTS AND CHARTER SCHOOLS THAT INCLUDE A LIST OF RELEVANT RULES,
39 REGULATIONS AND STATUTES RELATING TO ENGLISH LANGUAGE LEARNER PROGRAMS TO
40 NOTIFY SCHOOL DISTRICTS AND CHARTER SCHOOLS OF THEIR RESPONSIBILITIES.

41 4. CONTRACT WITH AN INDEPENDENT INFORMATION TECHNOLOGY CONSULTANT FOR
42 THE PRELIMINARY DESIGN OF AN AGENCY INFORMATION SYSTEM TO ANALYZE AND
43 EVALUATE THE SPECIFIC DATA NEEDS AND ELEMENTS FOR ENGLISH LANGUAGE LEARNER
44 PROGRAMS FOR THE AGENCY INFORMATION SYSTEM.

15-756.07. Monitoring: corrective action plan

A. THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL DIRECT THE DIVISION OF ENGLISH LANGUAGE ACQUISITION SERVICES IN THE DEPARTMENT OF EDUCATION TO:

1. MONITOR EACH YEAR AT LEAST TWELVE SCHOOL DISTRICTS OR CHARTER SCHOOLS FROM THE FIFTY SCHOOL DISTRICTS OR CHARTER SCHOOLS IN THIS STATE WITH THE HIGHEST NUMBER OF ENGLISH LANGUAGE LEARNERS. THE DEPARTMENT OF EDUCATION SHALL MONITOR ALL FIFTY SCHOOL DISTRICTS OR CHARTER SCHOOLS WITH THE HIGHEST NUMBER OF ENGLISH LANGUAGE LEARNERS IN THIS STATE AT LEAST ONCE EVERY FOUR YEARS.

2. MONITOR EACH YEAR AT LEAST TEN SCHOOL DISTRICTS OR CHARTER SCHOOLS THAT ARE NOT INCLUDED IN THE FIFTY SCHOOL DISTRICTS OR CHARTER SCHOOLS DESCRIBED IN PARAGRAPH 1.

3. MONITOR EACH YEAR AT LEAST TEN SCHOOL DISTRICTS OR CHARTER SCHOOLS THAT ARE NOT REQUIRED TO PROVIDE INSTRUCTION FOR ENGLISH LANGUAGE LEARNERS FOR A MAJORITY OF THEIR GRADE LEVELS.

4. CHOOSE, BASED ON THE DEPARTMENT'S REVIEW OF REPORTS SUBMITTED BY SCHOOL DISTRICTS AND CHARTER SCHOOLS, THE SCHOOL DISTRICTS AND CHARTER SCHOOLS DESCRIBED IN PARAGRAPHS 1, 2 AND 3.

5. SELECT A RANDOM SAMPLE OF THREE HUNDRED ENGLISH LANGUAGE LEARNERS EACH MONTH TO DETERMINE:

(a) HOW MANY OF THE SAMPLE CAN READ THE RANDOMLY ORDERED ALPHABET IN THIRTY SECONDS OR LESS.

(b) HOW MANY OF THE SAMPLE CAN READ A RANDOMLY SORTED LIST OF THIRTY SINGLE-SYLLABLE WORDS IN ONE MINUTE OR LESS.

B. THE DEPARTMENT OF EDUCATION SHALL MONITOR A SCHOOL DISTRICT OR CHARTER SCHOOL IF THE DEPARTMENT RECEIVES A DOCUMENTED, WRITTEN COMPLAINT FROM ANY CITIZEN OR A COMPLAINT FROM THE UNITED STATES DEPARTMENT OF EDUCATION OR FROM THE UNITED STATES OFFICE OF CIVIL RIGHTS REGARDING THE SCHOOL DISTRICT'S OR CHARTER SCHOOL'S COMPLIANCE WITH STATE OR FEDERAL LAW REGARDING ENGLISH LANGUAGE LEARNERS.

C. THE MONITORING REQUIRED BY THIS SECTION SHALL BE ON-SITE MONITORING AND SHALL INCLUDE CLASSROOM OBSERVATIONS, CURRICULUM REVIEWS, FACULTY INTERVIEWS, STUDENT RECORDS, A REVIEW OF ENGLISH LANGUAGE LEARNER PROGRAMS AND AN ANALYSIS OF PROGRAMMATIC EFFECTIVENESS, AT A MINIMUM TO INCLUDE PRIOR YEAR DATA THAT ANALYZES THE PROGRESS OF ENGLISH LANGUAGE LEARNERS.

D. BASED ON THE RESULTS OF THE MONITORING, THE DEPARTMENT SHALL DETERMINE WHETHER OR NOT THE SCHOOL DISTRICT OR CHARTER SCHOOL IS COMPLYING WITH STATE AND FEDERAL LAWS APPLICABLE TO ENGLISH LANGUAGE LEARNERS.

E. THE DEPARTMENT SHALL ISSUE A REPORT OF THE RESULTS OF THE MONITORING WITHIN FORTY-FIVE DAYS AFTER COMPLETING THE MONITORING.

F. WITHIN SIXTY DAYS FOLLOWING THE ISSUANCE OF THE DEPARTMENT'S REPORT, THE SCHOOL DISTRICT OR CHARTER SCHOOL RECEIVING THE REPORT SHALL PREPARE AND SUBMIT TO THE DEPARTMENT A CORRECTIVE ACTION PLAN, IN A MANNER PRESCRIBED BY THE STATE BOARD OF EDUCATION, THAT SETS FORTH STEPS THAT WILL

BE TAKEN TO CORRECT THE DEFICIENCIES, IF ANY, NOTED IN THE DEPARTMENT'S REPORT.

G. WITHIN THIRTY DAYS AFTER RECEIVING A SCHOOL DISTRICT'S OR CHARTER SCHOOL'S CORRECTIVE ACTION PLAN, THE DEPARTMENT SHALL REVIEW THE CORRECTIVE ACTION PLAN AND MAY REQUIRE CHANGES TO THE CORRECTIVE ACTION PLAN.

H. AFTER THE DEPARTMENT HAS REVIEWED A SCHOOL DISTRICT'S OR CHARTER SCHOOL'S CORRECTIVE ACTION PLAN AND MADE ANY CHANGES THE DEPARTMENT DEEMS NECESSARY, THE DEPARTMENT SHALL RETURN THE CORRECTIVE ACTION PLAN TO THE SCHOOL DISTRICT OR CHARTER SCHOOL.

I. WITHIN THIRTY DAYS AFTER RECEIVING A CORRECTIVE ACTION PLAN BACK FROM THE DEPARTMENT, THE SCHOOL DISTRICT OR CHARTER SCHOOL SHALL BEGIN IMPLEMENTING THE MEASURES SET FORTH IN THE CORRECTIVE ACTION PLAN.

J. THE DEPARTMENT SHALL CONDUCT A FOLLOW-UP EVALUATION OF THE SCHOOL DISTRICT OR CHARTER SCHOOL WITHIN ONE YEAR AFTER THE DEPARTMENT RETURNED THE CORRECTIVE ACTION PLAN TO THE SCHOOL DISTRICT OR CHARTER SCHOOL.

K. IN CONDUCTING THE FOLLOW-UP EVALUATION, IF THE DEPARTMENT FINDS THAT THE SCHOOL DISTRICT OR CHARTER SCHOOL IS NOT IN COMPLIANCE WITH STATE AND FEDERAL LAWS APPLICABLE TO ENGLISH LANGUAGE LEARNERS, THE DEPARTMENT SHALL REFER THE SCHOOL DISTRICT OR CHARTER SCHOOL TO THE STATE BOARD OF EDUCATION FOR A FINDING OF NONCOMPLIANCE. A SCHOOL DISTRICT OR CHARTER SCHOOL FOUND BY THE BOARD TO BE NONCOMPLIANT SHALL NOT CONTINUE TO RECEIVE ANY MONIES FROM THE ARIZONA STRUCTURED ENGLISH IMMERSION FUND ESTABLISHED BY SECTION 15-756.03 FOR ENGLISH LANGUAGE LEARNERS AND SHALL NOT REDUCE THE AMOUNT OF MONIES SPENT ON THE SCHOOL DISTRICT'S OR CHARTER SCHOOL'S ENGLISH LANGUAGE LEARNER PROGRAMS DESPITE THE LOSS OF MONIES CAUSED BY THE NONCOMPLIANCE.

L. THE DEPARTMENT SHALL MONITOR EACH SCHOOL DISTRICT OR CHARTER SCHOOL THAT THE STATE BOARD OF EDUCATION HAS FOUND TO BE NONCOMPLIANT AND THAT IS NOT RECEIVING ARIZONA STRUCTURED ENGLISH IMMERSION FUND MONIES PURSUANT TO SUBSECTION K OF THIS SECTION TO ENSURE THAT THE SCHOOL DISTRICT OR CHARTER SCHOOL DOES NOT REDUCE THE AMOUNT OF MONIES SPENT ON THE SCHOOL DISTRICT'S OR CHARTER SCHOOL'S ENGLISH LANGUAGE LEARNER PROGRAMS DESPITE THE LOSS OF ARIZONA STRUCTURED ENGLISH IMMERSION FUND MONIES CAUSED BY THE NONCOMPLIANCE.

15-756.08. Teacher training

A. THE STATE BOARD OF EDUCATION SHALL DETERMINE THE QUALIFICATIONS NECESSARY FOR A PROVISIONAL AND FULL STRUCTURED ENGLISH IMMERSION ENDORSEMENT.

B. TRAINING MAY BE ALLOWED THAT IS NOT PROVIDED BY A COLLEGE OR UNIVERSITY TO SUBSTITUTE FOR ANY OF THE COURSES REQUIRED FOR A STRUCTURED ENGLISH IMMERSION ENDORSEMENT OR A BILINGUAL EDUCATION ENDORSEMENT IF ALL OF THE FOLLOWING CONDITIONS APPLY:

1. THE STATE BOARD OF EDUCATION HAS REVIEWED THE CURRICULUM, TEXTBOOKS, GRADING PROCEDURES AND ATTENDANCE POLICIES AND DETERMINED THAT THE TRAINING IS COMPARABLE IN AMOUNT, SCOPE AND QUALITY TO A COURSE OFFERED BY A

1 COLLEGE OR UNIVERSITY FOR A STRUCTURED ENGLISH IMMERSION OR BILINGUAL
2 EDUCATION ENDORSEMENT.

3 2. THE TRAINING MEETS THE PROFESSIONAL TEACHING STANDARDS ADOPTED BY
4 THE STATE BOARD OF EDUCATION.

5 3. THE STATE BOARD OF EDUCATION HAS REVIEWED THE QUALIFICATIONS OF THE
6 INSTRUCTOR AND DETERMINED THAT THE INSTRUCTOR HAS SUFFICIENT EXPERIENCE TO
7 EFFECTIVELY CONDUCT THE TRAINING.

8 C. THE STATE BOARD OF EDUCATION SHALL REQUIRE ALL APPROVED TEACHER
9 TRAINING PROGRAMS THAT PROVIDE A DEGREE IN EDUCATION TO REQUIRE COURSES THAT
10 ARE NECESSARY TO OBTAIN A FULL STRUCTURED ENGLISH IMMERSION ENDORSEMENT.

11 15-756.09. Reporting

12 THE DIVISION OF ENGLISH LANGUAGE ACQUISITION SERVICES IN THE DEPARTMENT
13 OF EDUCATION SHALL:

14 1. REQUIRE EACH SCHOOL DISTRICT AND CHARTER SCHOOL TO ANNUALLY SUBMIT
15 A REPORT TO THE DEPARTMENT OF EDUCATION THAT INCLUDES THE FOLLOWING
16 INFORMATION IDENTIFIED BY GRADE LEVEL AND BY SCHOOL:

17 (a) THE TOTAL NUMBER OF PUPILS WHO ARE CLASSIFIED AS ENGLISH LANGUAGE
18 LEARNERS AS VERIFIED BY THE STUDENT ACCOUNTABILITY INFORMATION SYSTEM
19 ESTABLISHED BY SECTION 15-1041.

20 (b) THE NUMBER OF PUPILS WHO ARE CLASSIFIED AS ENGLISH LANGUAGE
21 LEARNERS FOR THE FIRST TIME AS VERIFIED BY THE STUDENT ACCOUNTABILITY
22 INFORMATION SYSTEM ESTABLISHED BY SECTION 15-1041.

23 (c) THE NUMBER OF ENGLISH LANGUAGE LEARNERS WHO ACHIEVED ENGLISH
24 PROFICIENCY IN THE PAST ACADEMIC YEAR AND WHO HAVE BEEN RECLASSIFIED AS
25 ENGLISH PROFICIENT AS VERIFIED BY THE STUDENT ACCOUNTABILITY INFORMATION
26 SYSTEM ESTABLISHED BY SECTION 15-1041.

27 (d) THE NUMBER OF PUPILS WHO ARE ENROLLED IN EACH TYPE OF LANGUAGE
28 ACQUISITION PROGRAM OFFERED BY THE SCHOOL DISTRICT OR CHARTER SCHOOL AS
29 VERIFIED BY THE STUDENT ACCOUNTABILITY INFORMATION SYSTEM ESTABLISHED BY
30 SECTION 15-1041.

31 (e) IF REQUESTED BY THE DEPARTMENT OF EDUCATION, THE TEST DATA USED TO
32 DETERMINE ENGLISH PROFICIENCY.

33 2. DETERMINE THE MOBILITY OF ENGLISH LANGUAGE LEARNERS WITHIN THE SAME
34 SCHOOL DISTRICT AND THE MOBILITY OF ENGLISH LANGUAGE LEARNERS TO OTHER SCHOOL
35 DISTRICTS AND CHARTER SCHOOLS.

36 3. SUBMIT AN ANNUAL REPORT TO THE JOINT LEGISLATIVE BUDGET COMMITTEE
37 THAT INCLUDES AN ITEMIZED LIST OF ALL FEDERAL MONIES RECEIVED BY THE
38 DEPARTMENT FOR ENGLISH LANGUAGE LEARNERS, A LIST OF HOW MUCH OF THESE MONIES
39 WERE DISTRIBUTED TO SCHOOL DISTRICTS ON A DISTRICT BY DISTRICT BASIS AND THE
40 PURPOSES FOR WHICH THESE FEDERAL MONIES ARE DESIGNATED. THE DEPARTMENT SHALL
41 SUBMIT A COPY OF THIS REPORT TO THE SECRETARY OF STATE AND THE DIRECTOR OF
42 THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS.

43 4. SUBMIT AN ANNUAL REPORT TO THE GOVERNOR, THE PRESIDENT OF THE
44 SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE STATE BOARD OF
45 EDUCATION THAT INCLUDES A DETAILED ANALYSIS OF WHETHER AND TO WHAT EXTENT

1 PUPILS ARE BENEFITING ACADEMICALLY FROM COMPENSATORY INSTRUCTION AND A
2 COMPARISON OF THE ACADEMIC ACHIEVEMENT OF PUPILS BEFORE AND AFTER RECEIVING
3 COMPENSATORY INSTRUCTION. THE DEPARTMENT SHALL SUBMIT A COPY OF THIS REPORT
4 TO THE SECRETARY OF STATE AND THE DIRECTOR OF THE ARIZONA STATE LIBRARY,
5 ARCHIVES AND PUBLIC RECORDS.

6 15-756.10. Statewide compensatory instruction fund: reporting:
7 definition

8 A. THE STATEWIDE COMPENSATORY INSTRUCTION FUND IS ESTABLISHED. THE
9 DEPARTMENT OF EDUCATION SHALL ADMINISTER THE FUND.

10 B. THE DEPARTMENT OF EDUCATION SHALL DISTRIBUTE MONIES FROM THE FUND
11 TO SCHOOL DISTRICTS AND CHARTER SCHOOLS IN AN AMOUNT DETERMINED BY THE
12 DEPARTMENT FOR COMPENSATORY INSTRUCTION COSTS. THE STATE IS NOT REQUIRED TO
13 MAKE PAYMENTS TO A SCHOOL DISTRICT OR CHARTER SCHOOL PURSUANT TO THIS SECTION
14 IF THE MONIES APPROPRIATED ARE INSUFFICIENT TO MEET THE REQUESTS OF SCHOOL
15 DISTRICTS AND CHARTER SCHOOLS. IF THERE ARE INSUFFICIENT MONIES IN THE FUND
16 TO MAKE THE PAYMENTS TO SCHOOL DISTRICTS AND CHARTER SCHOOLS IN THE AMOUNTS
17 REQUESTED, THE DEPARTMENT SHALL PRORATE THE PAYMENTS TO EACH SCHOOL DISTRICT
18 AND CHARTER SCHOOL.

19 C. SCHOOL DISTRICTS AND CHARTER SCHOOLS SHALL ANNUALLY SUBMIT WRITTEN
20 COMPENSATORY INSTRUCTION BUDGET REQUESTS TO THE DEPARTMENT ON OR BEFORE JULY
21 15 FOR MONIES FROM THE FUND ON A FORM DEVELOPED BY THE DEPARTMENT. THE
22 REQUESTS SHALL INCLUDE AN ANALYSIS OF COMPENSATORY INSTRUCTION EFFECTIVENESS.

23 D. THE WRITTEN REQUESTS SUBMITTED BY SCHOOL DISTRICTS AND CHARTER
24 SCHOOLS SHALL BE SIGNED BY THE SUPERINTENDENT OF THE SCHOOL DISTRICT AND THE
25 CHIEF FINANCIAL OFFICER OF THE SCHOOL DISTRICT OR THE PRINCIPAL OF THE
26 CHARTER SCHOOL AND THE CHIEF FINANCIAL OFFICER OF THE CHARTER SCHOOL.

27 E. SCHOOL DISTRICTS AND CHARTER SCHOOLS SHALL USE MONIES FROM THE FUND
28 TO SUPPLEMENT EXISTING PROGRAMS. MONIES SHALL NOT BE USED TO SUPPLANT ANY
29 FEDERAL, STATE OR LOCAL MONIES USED FOR COMPENSATORY INSTRUCTION.

30 F. EACH SCHOOL DISTRICT AND CHARTER SCHOOL SHALL ESTABLISH A LOCAL
31 LEVEL COMPENSATORY INSTRUCTION FUND TO RECEIVE MONIES DISTRIBUTED FROM THE
32 STATEWIDE COMPENSATORY INSTRUCTION FUND. MONIES IN LOCAL LEVEL COMPENSATORY
33 INSTRUCTION FUNDS SHALL ONLY BE SPENT FOR COMPENSATORY INSTRUCTION. THE
34 AUDITOR GENERAL SHALL MODIFY THE BUDGET FORMAT, FINANCIAL RECORD
35 REQUIREMENTS, ACCOUNTING FORMS AND FINANCIAL REPORT FORMS IN ACCORDANCE WITH
36 THE PROVISIONS OF THIS SUBSECTION. IN CONSULTATION WITH THE DEPARTMENT OF
37 EDUCATION, THE AUDITOR GENERAL SHALL PROVIDE SUPPORT AND GUIDANCE TO ASSIST
38 SCHOOL DISTRICTS AND CHARTER SCHOOLS IN COMPLIANCE WITH THIS SUBSECTION.
39 DOCUMENTS DEVELOPED PURSUANT TO THIS SUBSECTION SHALL BE REVIEWED BY THE
40 ARIZONA ENGLISH LANGUAGE LEARNERS TASK FORCE ESTABLISHED BY SECTION 15-756.01
41 AND THE JOINT LEGISLATIVE BUDGET COMMITTEE.

42 G. FOR THE PURPOSES OF THIS SECTION, "COMPENSATORY INSTRUCTION" MEANS
43 PROGRAMS IN ADDITION TO NORMAL CLASSROOM INSTRUCTION THAT MAY INCLUDE
44 INDIVIDUAL OR SMALL GROUP INSTRUCTION, EXTENDED DAY CLASSES, SUMMER SCHOOL OR
45 INTERSESSION SCHOOL AND THAT ARE LIMITED TO IMPROVING THE ENGLISH PROFICIENCY

1 OF CURRENT ENGLISH LANGUAGE LEARNERS AND PUPILS WHO WERE ENGLISH LANGUAGE
2 LEARNERS WHO HAVE BEEN RECLASSIFIED AS ENGLISH PROFICIENT WITHIN THE PREVIOUS
3 TWO YEARS.

4 15-756.11. Auditor general; duties

5 THE AUDITOR GENERAL SHALL:

6 1. MODIFY THE ANNUAL FINANCIAL REPORT PRESCRIBED IN SECTION 15-904 IN
7 ORDER TO CARRY OUT THE PROVISIONS OF THIS ARTICLE.

8 2. BIENNIALLY AUDIT THE OVERALL EFFECTIVENESS OF THE ENGLISH LANGUAGE
9 LEARNER PROGRAM BASED ON PERFORMANCE BASED OUTCOME MEASUREMENTS AND INCREASED
10 ENGLISH PROFICIENCY AND REVIEW THE MOBILITY OF ENGLISH LANGUAGE LEARNERS AND
11 THE IMPACT OF THAT MOBILITY ON ACADEMIC ACHIEVEMENT.

12 15-756.12. School district and charter schools; responsibility
13 to comply with state and federal law

14 NOTHING IN SECTIONS 15-756 AND 15-756.01 THROUGH 15-756.11 RELIEVES A
15 SCHOOL DISTRICT OR CHARTER SCHOOL OF ITS RESPONSIBILITY TO COMPLY WITH ALL
16 STATE AND FEDERAL LAWS.

17 Sec. 5. Section 15-901, Arizona Revised Statutes, is amended to read:

18 15-901. Definitions

19 A. In this title, unless the context otherwise requires:

20 1. "Average daily attendance" or "ADA" means actual average daily
21 attendance through the first one hundred days or two hundred days in session,
22 as applicable.

23 2. "Average daily membership" means the total enrollment of fractional
24 students and full-time students, minus withdrawals, of each school day
25 through the first one hundred days or two hundred days in session, as
26 applicable, for the current year. Withdrawals include students formally
27 withdrawn from schools and students absent for ten consecutive school days,
28 except for excused absences as identified by the department of
29 education. For computation purposes, the effective date of withdrawal shall
30 be retroactive to the last day of actual attendance of the student.

31 (a) "Fractional student" means:

32 (i) For common schools, until fiscal year 2001-2002, a preschool child
33 who is enrolled in a program for preschool children with disabilities of at
34 least three hundred sixty minutes each week or a kindergarten student at
35 least five years of age prior to January 1 of the school year and enrolled in
36 a school kindergarten program that meets at least three hundred forty-six
37 instructional hours during the minimum number of days required in a school
38 year as provided in section 15-341. In fiscal year 2001-2002, the
39 kindergarten program shall meet at least three hundred forty-eight hours. In
40 fiscal year 2002-2003, the kindergarten program shall meet at least three
41 hundred fifty hours. In fiscal year 2003-2004, the kindergarten program
42 shall meet at least three hundred fifty-two hours. In fiscal year 2004-2005,
43 the kindergarten program shall meet at least three hundred fifty-four
44 hours. In fiscal year 2005-2006 and each fiscal year thereafter, the
45 kindergarten program shall meet at least three hundred fifty-six hours.

1 Lunch periods and recess periods may not be included as part of the
2 instructional hours unless the child's individualized education program
3 requires instruction during those periods and the specific reasons for such
4 instruction are fully documented. In computing the average daily membership,
5 preschool children with disabilities and kindergarten students shall be
6 counted as one-half of a full-time student. For common schools, a part-time
7 student is a student enrolled for less than the total time for a full-time
8 student as defined in this section. A part-time common school student shall
9 be counted as one-fourth, one-half or three-fourths of a full-time student if
10 the student is enrolled in an instructional program that is at least
11 one-fourth, one-half or three-fourths of the time a full-time student is
12 enrolled as defined in subdivision (b) of this paragraph.

13 (ii) For high schools, a part-time student who is enrolled in less
14 than four subjects that count toward graduation as defined by the state board
15 of education in a recognized high school and who is taught in less than
16 twenty instructional hours per week prorated for any week with fewer than
17 five school days. A part-time high school student shall be counted as
18 one-fourth, one-half or three-fourths of a full-time student if the student
19 is enrolled in an instructional program that is at least one-fourth, one-half
20 or three-fourths of a full-time instructional program as defined in
21 subdivision (c) of this paragraph.

22 (b) "Full-time student" means:

23 (i) For common schools, a student who is at least six years of age
24 prior to January 1 of a school year, who has not graduated from the highest
25 grade taught in the school district and who is regularly enrolled in a course
26 of study required by the state board of education. Until fiscal year
27 2001-2002, first, second and third grade students, ungraded students at least
28 six, but under nine, years of age by September 1 or ungraded group B children
29 with disabilities who are at least five, but under six, years of age by
30 September 1 must be enrolled in an instructional program that meets for a
31 total of at least six hundred ninety-two hours during the minimum number of
32 days required in a school year as provided in section 15-341. In fiscal year
33 2001-2002, the program shall meet at least six hundred ninety-six hours. In
34 fiscal year 2002-2003, the program shall meet at least seven hundred
35 hours. In fiscal year 2003-2004, the program shall meet at least seven
36 hundred four hours. In fiscal year 2004-2005, the program shall meet at
37 least seven hundred eight hours. In fiscal year 2005-2006 and in each fiscal
38 year thereafter, the program shall meet at least seven hundred twelve
39 hours. Until fiscal year 2001-2002, fourth, fifth and sixth grade students
40 or ungraded students at least nine, but under twelve, years of age by
41 September 1 must be enrolled in an instructional program that meets for a
42 total of at least eight hundred sixty-five hours during the minimum number of
43 school days required in a school year as provided in section 15-341. In
44 fiscal year 2001-2002, the program shall meet at least eight hundred seventy
45 hours. In fiscal year 2002-2003, the program shall meet at least eight

1 hundred seventy-five hours. In fiscal year 2003-2004, the program shall meet
2 at least eight hundred eighty hours. In fiscal year 2004-2005, the program
3 shall meet at least eight hundred eighty-five hours. In fiscal year
4 2005-2006 and each fiscal year thereafter, the program shall meet at least
5 eight hundred ninety hours. Until fiscal year 2001-2002, seventh and eighth
6 grade students or ungraded students at least twelve, but under fourteen,
7 years of age by September 1 must be enrolled in an instructional program that
8 meets for a total of at least one thousand thirty-eight hours during the
9 minimum number of days required in a school year as provided in section
10 15-341. In fiscal year 2001-2002, the program shall meet at least one
11 thousand forty-four hours. In fiscal year 2002-2003, the program shall meet
12 at least one thousand fifty hours. In fiscal year 2003-2004, the program
13 shall meet at least one thousand fifty-six hours. In fiscal year 2004-2005,
14 the program shall meet at least one thousand sixty-two hours. In fiscal year
15 2005-2006 and each fiscal year thereafter, the program shall meet at least
16 one thousand sixty-eight hours. Lunch periods and recess periods may not be
17 included as part of the instructional hours unless the student is a child
18 with a disability and the child's individualized education program requires
19 instruction during those periods and the specific reasons for such
20 instruction are fully documented.

21 (ii) For high schools, a student not graduated from the highest grade
22 taught in the school district, or an ungraded student at least fourteen years
23 of age by September 1, and enrolled in at least a full-time instructional
24 program of subjects that count toward graduation as defined by the state
25 board of education in a recognized high school. A full-time student shall
26 not be counted more than once for computation of average daily membership.

27 (iii) For homebound or hospitalized, a student receiving at least four
28 hours of instruction per week.

29 (c) "Full-time instructional program" means:

30 (i) Through fiscal year 2000-2001, at least four subjects, each of
31 which, if taught each school day for the minimum number of days required in a
32 school year, would meet a minimum of one hundred twenty hours a year, or the
33 equivalent, or one or more subjects taught in amounts of time totaling at
34 least twenty hours per week prorated for any week with fewer than five school
35 days.

36 (ii) For fiscal year 2001-2002, an instructional program that meets at
37 least a total of seven hundred four hours during the minimum number of days
38 required and includes at least four subjects each of which, if taught each
39 school day for the minimum number of days required in a school year, would
40 meet a minimum of one hundred twenty-two hours a year, or the equivalent, or
41 one or more subjects taught in amounts of time totaling at least twenty hours
42 per week prorated for any week with fewer than five school days.

(iii) For fiscal year 2002-2003, an instructional program that meets at least a total of seven hundred eight hours during the minimum number of days required and includes at least four subjects each of which, if taught each school day for the minimum number of days required in a school year, would meet a minimum of one hundred twenty-two hours a year, or the equivalent, or one or more subjects taught in amounts of time totaling at least twenty hours per week prorated for any week with fewer than five school days.

(iv) For fiscal year 2003-2004, an instructional program that meets at least a total of seven hundred twelve hours during the minimum number of days required and includes at least four subjects each of which, if taught each school day for the minimum number of days required in a school year, would meet a minimum of one hundred twenty-three hours a year, or the equivalent, or one or more subjects taught in amounts of time totaling at least twenty hours per week prorated for any week with fewer than five school days.

(v) For fiscal year 2004-2005, an instructional program that meets at least a total of seven hundred sixteen hours during the minimum number of days required and includes at least four subjects each of which, if taught each school day for the minimum number of days required in a school year, would meet a minimum of one hundred twenty-three hours a year, or the equivalent, or one or more subjects taught in amounts of time totaling at least twenty hours per week prorated for any week with fewer than five school days.

(vi) For fiscal year 2005-2006 and each fiscal year thereafter, an instructional program that meets at least a total of seven hundred twenty hours during the minimum number of days required and includes at least four subjects each of which, if taught each school day for the minimum number of days required in a school year, would meet a minimum of one hundred twenty-three hours a year, or the equivalent, or one or more subjects taught in amounts of time totaling at least twenty hours per week prorated for any week with fewer than five school days.

3. "Budget year" means the fiscal year for which the school district is budgeting and which immediately follows the current year.

4. "Common school district" means a political subdivision of this state offering instruction to students in programs for preschool children with disabilities and kindergarten programs and grades one through eight.

5. "Current year" means the fiscal year in which a school district is operating.

6. "Daily attendance" means:

(a) For common schools, days in which a pupil:

(i) Of a kindergarten program or ungraded, but not group B children with disabilities, and at least five, but under six, years of age by September 1 attends at least three-quarters of the instructional time scheduled for the day. If the total instruction time scheduled for the year is at least three hundred forty-six hours but is less than six hundred

1 ninety-two hours such attendance shall be counted as one-half day of
2 attendance. If the instructional time scheduled for the year is at least six
3 hundred ninety-two hours, "daily attendance" means days in which a pupil
4 attends at least one-half of the instructional time scheduled for the day.
5 Such attendance shall be counted as one-half day of attendance.

6 (ii) Of the first, second or third grades, ungraded and at least six,
7 but under nine, years of age by September 1 or ungraded group B children with
8 disabilities and at least five, but under six, years of age by September 1
9 attends more than three-quarters of the instructional time scheduled for the
10 day.

11 (iii) Of the fourth, fifth or sixth grades or ungraded and at least
12 nine, but under twelve, years of age by September 1 attends more than
13 three-quarters of the instructional time scheduled for the day, except as
14 provided in section 15-797.

15 (iv) Of the seventh or eighth grades or ungraded and at least twelve,
16 but under fourteen, years of age by September 1 attends more than
17 three-quarters of the instructional time scheduled for the day, except as
18 provided in section 15-797.

19 (b) For common schools, the attendance of a pupil at three-quarters or
20 less of the instructional time scheduled for the day shall be counted as
21 follows, except as provided in section 15-797 and except that attendance for
22 a fractional student shall not exceed the pupil's fractional membership:

23 (i) If attendance for all pupils in the school is based on quarter
24 days, the attendance of a pupil shall be counted as one-fourth of a day's
25 attendance for each one-fourth of full-time instructional time attended.

26 (ii) If attendance for all pupils in the school is based on half days,
27 the attendance of at least three-quarters of the instructional time scheduled
28 for the day shall be counted as a full day's attendance and attendance at a
29 minimum of one-half but less than three-quarters of the instructional time
30 scheduled for the day equals one-half day of attendance.

31 (c) For common schools, the attendance of a preschool child with
32 disabilities shall be counted as one-fourth day's attendance for each
33 thirty-six minutes of attendance not including lunch periods and recess
34 periods, except as provided in paragraph 2, subdivision (a), item (i) of this
35 subsection for children with disabilities up to a maximum of three hundred
36 sixty minutes each week.

37 (d) For high schools or ungraded schools in which the pupil is at
38 least fourteen years of age by September 1, the attendance of a pupil shall
39 not be counted as a full day unless the pupil is actually and physically in
40 attendance and enrolled in and carrying four subjects, each of which, if
41 taught each school day for the minimum number of days required in a school
42 year, would meet a minimum of one hundred twenty hours a year, or the
43 equivalent, that count toward graduation in a recognized high school except
44 as provided in section 15-797 and subdivision (e) of this paragraph.

1 Attendance of a pupil carrying less than the load prescribed shall be
2 prorated.

3 (e) For high schools or ungraded schools in which the pupil is at
4 least fourteen years of age by September 1, the attendance of a pupil may be
5 counted as one-fourth of a day's attendance for each sixty minutes of
6 instructional time in a subject that counts toward graduation, except that
7 attendance for a pupil shall not exceed the pupil's full or fractional
8 membership.

9 (f) For homebound or hospitalized, a full day of attendance may be
10 counted for each day during a week in which the student receives at least
11 four hours of instruction.

12 (g) For school districts which maintain school for an approved
13 year-round school year operation, attendance shall be based on a computation,
14 as prescribed by the superintendent of public instruction, of the one hundred
15 eighty days' equivalency or two hundred days' equivalency, as applicable, of
16 instructional time as approved by the superintendent of public instruction
17 during which each pupil is enrolled.

18 7. "Daily route mileage" means the sum of:

19 (a) The total number of miles driven daily by all buses of a school
20 district while transporting eligible students from their residence to the
21 school of attendance and from the school of attendance to their residence on
22 scheduled routes approved by the superintendent of public instruction.

23 (b) The total number of miles driven daily on routes approved by the
24 superintendent of public instruction for which a private party, a political
25 subdivision or a common or a contract carrier is reimbursed for bringing an
26 eligible student from the place of his residence to a school transportation
27 pickup point or to the school of attendance and from the school
28 transportation scheduled return point or from the school of attendance to his
29 residence. Daily route mileage includes the total number of miles necessary
30 to drive to transport eligible students from and to their residence as
31 provided in this paragraph.

32 8. "District support level" means the base support level plus the
33 transportation support level.

34 9. "Eligible students" means:

35 (a) Students who are transported by or for a school district and who
36 qualify as full-time students or fractional students, except students for
37 whom transportation is paid by another school district or a county school
38 superintendent, and:

39 (i) For common school students, whose place of actual residence within
40 the school district is more than one mile from the school facility of
41 attendance or students who are admitted pursuant to section 15-816.01 and who
42 meet the economic eligibility requirements established under the national
43 school lunch and child nutrition acts (42 United States Code sections 1751
44 through 1785) for free or reduced price lunches and whose actual place of

1 residence outside the school district boundaries is more than one mile from
2 the school facility of attendance.

3 (ii) For high school students, whose place of actual residence within
4 the school district is more than one and one-half miles from the school
5 facility of attendance or students who are admitted pursuant to section
6 15-816.01 and who meet the economic eligibility requirements established
7 under the national school lunch and child nutrition acts (42 United States
8 Code sections 1751 through 1785) for free or reduced price lunches and whose
9 actual place of residence outside the school district boundaries is more than
10 one and one-half miles from the school facility of attendance.

11 (b) Kindergarten students, for purposes of computing the number of
12 eligible students under subdivision (a), item (i) of this paragraph, shall be
13 counted as full-time students, notwithstanding any other provision of law.

14 (c) Children with disabilities, as defined by section 15-761, who are
15 transported by or for the school district or who are admitted pursuant to
16 chapter 8, article 1.1 of this title and who qualify as full-time students or
17 fractional students regardless of location or residence within the school
18 district or children with disabilities whose transportation is required by
19 the pupil's individualized education program.

20 (d) Students whose residence is outside the school district and who
21 are transported within the school district on the same basis as students who
22 reside in the school district.

23 10. "Enrolled" or "enrollment" means when a pupil is currently
24 registered in the school district.

25 11. "GDP price deflator" means the average of the four implicit price
26 deflators for the gross domestic product reported by the United States
27 department of commerce for the four quarters of the calendar year.

28 12. "High school district" means a political subdivision of this state
29 offering instruction to students for grades nine through twelve or that
30 portion of the budget of a common school district which is allocated to
31 teaching high school subjects with permission of the state board of
32 education.

33 13. "Revenue control limit" means the base revenue control limit plus
34 the transportation revenue control limit.

35 14. "Student count" means average daily membership as prescribed in
36 this subsection for the fiscal year prior to the current year, except that
37 for the purpose of budget preparation student count means average daily
38 membership as prescribed in this subsection for the current year.

39 15. "Submit electronically" means submitted in a format and in a manner
40 prescribed by the department of education.

41 16. "Total bus mileage" means the total number of miles driven by all
42 buses of a school district during the school year.

1 17. "Total students transported" means all eligible students
2 transported from their place of residence to a school transportation pickup
3 point or to the school of attendance and from the school of attendance or
4 from the school transportation scheduled return point to their place of
5 residence.

6 18. "Unified school district" means a political subdivision of the
7 state offering instruction to students in programs for preschool children
8 with disabilities and kindergarten programs and grades one through twelve.

9 B. In this title, unless the context otherwise requires:

10 1. "Base" means the revenue level per student count specified by the
11 legislature.

12 2. "Base level" means:

13 (a) For fiscal year 2004-2005, two thousand eight hundred ninety-three
14 dollars eighteen cents.

15 (b) For fiscal year 2005-2006, three thousand one dollars.

16 3. "Base revenue control limit" means the base revenue control limit
17 computed as provided in section 15-944.

18 4. "Base support level" means the base support level as provided in
19 section 15-943.

20 5. "Certified teacher" means a person who is certified as a teacher
21 pursuant to the rules adopted by the state board of education, who renders
22 direct and personal services to school children in the form of instruction
23 related to the school district's educational course of study and who is paid
24 from the maintenance and operation section of the budget.

25 6. "ED, MIMR, SLD, SLI and OHI" means programs for children with
26 emotional disabilities, mild mental retardation, a specific learning
27 disability, a speech/language impairment and other health impairments.

28 7. "ED-P" means programs for children with emotional disabilities who
29 are enrolled in private special education programs as prescribed in section
30 15-765, subsection D, paragraph 1 or in an intensive school district program
31 as provided in section 15-765, subsection D, paragraph 2.

32 ~~8. "ELL" means English learners who do not speak English or whose~~
33 ~~native language is not English, who are not currently able to perform~~
34 ~~ordinary classroom work in English and who are enrolled in an English~~
35 ~~language education program pursuant to sections 15-751, 15-752 and 15-753.~~

36 ~~9.~~ 8. "Full-time equivalent certified teacher" or "FTE certified
37 teacher" means for a certified teacher the following:

38 (a) If employed full time as defined in section 15-501, 1.00.

39 (b) If employed less than full time, multiply 1.00 by the percentage
40 of a full school day, or its equivalent, or a full class load, or its
41 equivalent, for which the teacher is employed as determined by the governing
42 board.

43 ~~10.~~ 9. "Group A" means educational programs for career exploration, a
44 specific learning disability, an emotional disability, mild mental
45 retardation, remedial education, a speech/language impairment, homebound,

1 bilingual, preschool moderate delay, preschool speech/language delay, other
2 health impairments and gifted pupils.

3 ~~11.~~ 10. "Group B" means educational improvements for pupils in
4 kindergarten programs and grades one through three, educational programs for
5 autism, a hearing impairment, moderate mental retardation, multiple
6 disabilities, multiple disabilities with severe sensory impairment,
7 orthopedic impairments, preschool severe delay, severe mental retardation and
8 emotional disabilities for school age pupils enrolled in private special
9 education programs or in school district programs for children with severe
10 disabilities or visual impairment and English learners enrolled in a program
11 to promote English language proficiency pursuant to section 15-752.

12 ~~12.~~ 11. "HI" means programs for pupils with hearing impairment.

13 ~~13.~~ 12. "Homebound" or "hospitalized" means a pupil who is capable of
14 profiting from academic instruction but is unable to attend school due to
15 illness, disease, accident or other health conditions, who has been examined
16 by a competent medical doctor and who is certified by that doctor as being
17 unable to attend regular classes for a period of not less than three school
18 months or a pupil who is capable of profiting from academic instruction but
19 is unable to attend school regularly due to chronic or acute health problems,
20 who has been examined by a competent medical doctor and who is certified by
21 that doctor as being unable to attend regular classes for intermittent
22 periods of time totaling three school months during a school year. The
23 medical certification shall state the general medical condition, such as
24 illness, disease or chronic health condition, that is the reason that the
25 pupil is unable to attend school. Homebound or hospitalized includes a
26 student who is unable to attend school for a period of less than three months
27 due to a pregnancy if a competent medical doctor, after an examination,
28 certifies that the student is unable to attend regular classes due to risk to
29 the pregnancy or to the student's health.

30 ~~14.~~ 13. "K-3" means kindergarten programs and grades one through
31 three.

32 ~~15.~~ 14. "MD-R, A-R and SMR-R" means resource programs for pupils with
33 multiple disabilities, autism and severe mental retardation.

34 ~~16.~~ 15. "MD-SC, A-SC and SMR-SC" means self-contained programs for
35 pupils with multiple disabilities, autism and severe mental retardation.

36 ~~17.~~ 16. "MDSSI" means a program for pupils with multiple disabilities
37 with severe sensory impairment.

38 ~~18.~~ 17. "MOMR" means programs for pupils with moderate mental
39 retardation.

40 ~~19.~~ 18. "OI-R" means a resource program for pupils with orthopedic
41 impairments.

42 ~~20.~~ 19. "OI-SC" means a self-contained program for pupils with
43 orthopedic impairments.

44 ~~21.~~ 20. "PSD" means preschool programs for children with disabilities
45 as provided in section 15-771.

~~22.~~ 21. "P-SD" means programs for children who meet the definition of preschool severe delay as provided in section 15-771.

~~23.~~ 22. "Qualifying tax rate" means the qualifying tax rate specified in section 15-971 applied to the assessed valuation used for primary property taxes.

~~24.~~ 23. "Small isolated school district" means a school district which meets all of the following:

(a) Has a student count of fewer than six hundred in kindergarten programs and grades one through eight or grades nine through twelve.

(b) Contains no school which is fewer than thirty miles by the most reasonable route from another school, or, if road conditions and terrain make the driving slow or hazardous, fifteen miles from another school which teaches one or more of the same grades and is operated by another school district in this state.

(c) Is designated as a small isolated school district by the superintendent of public instruction.

~~25.~~ 24. "Small school district" means a school district which meets all of the following:

(a) Has a student count of fewer than six hundred in kindergarten programs and grades one through eight or grades nine through twelve.

(b) Contains at least one school which is fewer than thirty miles by the most reasonable route from another school which teaches one or more of the same grades and is operated by another school district in this state.

(c) Is designated as a small school district by the superintendent of public instruction.

~~26.~~ 25. "Transportation revenue control limit" means the transportation revenue control limit computed as prescribed in section 15-946.

~~27.~~ 26. "Transportation support level" means the support level for pupil transportation operating expenses as provided in section 15-945.

~~28.~~ 27. "VI" means programs for pupils with visual impairments.

~~29.~~ 28. "Voc. Ed." means career and technical education and vocational education programs, as defined in section 15-781.

Sec. 6. Section 15-943, Arizona Revised Statutes, is amended to read:

~~15-943.~~ Base support level

The base support level for each school district shall be computed as follows:

1. The following support level weights shall be used in paragraph 2, subdivision (a) for the following school districts:

(a) For school districts whose student count in kindergarten programs and grades one through eight is classified in column 1 of this subdivision, the support level weight for kindergarten programs and grades one through eight is the corresponding support level weight prescribed in column 2 or 3 of this subdivision, whichever is appropriate:

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
	Support Level Weight	Support Level Weight
	For Small Isolated	For Small
<u>Student Count</u>	<u>School Districts</u>	<u>School Districts</u>
1-99	1.559	1.399
100-499	$1.358 + [0.0005 \times (500 - \text{student count})]$	$1.278 + [0.0003 \times (500 - \text{student count})]$
500-599	$1.158 + [0.002 \times (600 - \text{student count})]$	$1.158 + [0.0012 \times (600 - \text{student count})]$

(b) For school districts whose student count in grades nine through twelve is classified in column 1 of this subdivision, the support level weight for grades nine through twelve is the corresponding support level weight prescribed in column 2 or 3 of this subdivision, whichever is appropriate:

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
	Support Level Weight	Support Level Weight
	For Small Isolated	For Small
<u>Student Count</u>	<u>School Districts</u>	<u>School Districts</u>
1-99	1.669	1.559
100-499	$1.468 + [0.0005 \times (500 - \text{student count})]$	$1.398 + [0.0004 \times (500 - \text{student count})]$
500-599	$1.268 + [0.002 \times (600 - \text{student count})]$	$1.268 + [0.0013 \times (600 - \text{student count})]$

2. Subject to paragraph 1, determine the weighted student count as follows:

(a)					Support Level Weight	Student Count	Weighted Student Count
<u>Grade</u>	<u>Base</u>		<u>Group A</u>		<u>Weight</u>	<u>Count</u>	<u>Count</u>
PSD	1.000	+	0.450	=	1.450	x	=
K-8	1.000	+	0.158	=	1.158	x	=
9-12	1.163	+	0.105	=	1.268	x	=
						Subtotal	A

(b)					Support Level Weight	Student Count	Weighted Student Count
<u>Funding Category</u>					<u>Weight</u>	<u>Count</u>	<u>Count</u>
HI					4.771	x	=
K-3					0.060	x	=
ELL					0.115 0.140	x	=
MD-R, A-R and SMR-R					6.024	x	=
MD-SC, A-SC and SMR-SC					5.833	x	=

1	MD-SSI	6.531	x	_____	=	_____
2	OI-R	3.158	x	_____	=	_____
3	OI-SC	5.576	x	_____	=	_____
4	P-SD	3.595	x	_____	=	_____
5	ED, MIMR, SLD,					
6	SLI and OHI	0.003	x	_____	=	_____
7	ED-P	4.647	x	_____	=	_____
8	MOMR	4.421	x	_____	=	_____
9	VI	4.806	x	_____	=	_____
10		Subtotal			B	_____

11 (c) Total of subtotals A and B: _____

12 3. Multiply the total determined in paragraph 2 by the base level.

13 4. Multiply the teacher experience index of the district or 1.00,
14 whichever is greater, by the product obtained in paragraph 3.

15 Sec. 7. Section 15-943, Arizona Revised Statutes, as amended by
16 section 6 of this act, is amended to read:

17 15-943. Base support level

18 The base support level for each school district shall be computed as
19 follows:

20 1. The following support level weights shall be used in paragraph 2,
21 subdivision (a) for the following school districts:

22 (a) For school districts whose student count in kindergarten programs
23 and grades one through eight is classified in column 1 of this subdivision,
24 the support level weight for kindergarten programs and grades one through
25 eight is the corresponding support level weight prescribed in column 2 or 3
26 of this subdivision, whichever is appropriate:

27 <u>Column 1</u>	28 <u>Column 2</u>	29 <u>Column 3</u>
	Support Level Weight	Support Level Weight
	For Small Isolated	For Small
30 <u>Student Count</u>	<u>School Districts</u>	<u>School Districts</u>
31 1-99	1.559	1.399
32 100-499	1.358 + [0.0005 x (500	1.278 + [0.0003 x (500
33	- student count)]	- student count)]
34 500-599	1.158 + [0.002 x (600	1.158 + [0.0012 x (600
35	- student count)]	- student count)]

36 (b) For school districts whose student count in grades nine through
37 twelve is classified in column 1 of this subdivision, the support level
38 weight for grades nine through twelve is the corresponding support level
39 weight prescribed in column 2 or 3 of this subdivision, whichever is
40 appropriate:

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
	Support Level Weight	Support Level Weight
	For Small Isolated	For Small
<u>Student Count</u>	<u>School Districts</u>	<u>School Districts</u>
1-99	1.669	1.559
100-499	$1.468 + [0.0005 \times (500 - \text{student count})]$	$1.398 + [0.0004 \times (500 - \text{student count})]$
500-599	$1.268 + [0.002 \times (600 - \text{student count})]$	$1.268 + [0.0013 \times (600 - \text{student count})]$

2. Subject to paragraph 1, determine the weighted student count as follows:

(a)

<u>Grade Base</u>	<u>Group A</u>	<u>Support Level Weight</u>	<u>Student Count</u>	<u>Weighted Student Count</u>
PSD 1.000 + 0.450 = 1.450	x		=	
K-8 1.000 + 0.158 = 1.158	x		=	
9-12 1.163 + 0.105 = 1.268	x		=	
	Subtotal	A		

(b)

<u>Funding Category</u>	<u>Support Level Weight</u>	<u>Student Count</u>	<u>Weighted Student Count</u>
HI	4.771 x		=
K-3	0.060 x		=
ELL	0.140 *		-
MD-R, A-R and SMR-R	6.024 x		=
MD-SC, A-SC and SMR-SC	5.833 x		=
MD-SSI	6.531 x		=
OI-R	3.158 x		=
OI-SC	5.576 x		=
P-SD	3.595 x		=
ED, MIMR, SLD, SLI and OHI	0.003 x		=
ED-P	4.647 x		=
MOMR	4.421 x		=
VI	4.806 x		=
	Subtotal	B	

(c) Total of subtotals A and B:

3. Multiply the total determined in paragraph 2 by the base level.

4. Multiply the teacher experience index of the district or 1.00, whichever is greater, by the product obtained in paragraph 3.

1 Sec. 8. Section 41-1279.03, Arizona Revised Statutes, is amended to
2 read:

3 41-1279.03. Powers and duties

4 A. The auditor general shall:

5 1. Prepare an audit plan for approval by the committee and report to
6 the committee the results of each audit and investigation and other reviews
7 conducted by the auditor general.

8 2. Conduct or cause to be conducted at least biennial financial and
9 compliance audits of financial transactions and accounts kept by or for all
10 state agencies subject to the single audit act of 1984 (P.L. 98-502). The
11 audits shall be conducted in accordance with generally accepted governmental
12 auditing standards and accordingly shall include tests of the accounting
13 records and other auditing procedures as may be considered necessary in the
14 circumstances. The audits shall include the issuance of suitable reports as
15 required by the single audit act of 1984 (P.L. 98-502) so the legislature,
16 federal government and others will be informed as to the adequacy of
17 financial statements of the state in compliance with generally accepted
18 governmental accounting principles and to determine whether the state has
19 complied with laws and regulations that may have a material effect on the
20 financial statements and on major federal assistance programs.

21 3. Perform procedural reviews for all state agencies at times
22 determined by the auditor general. These reviews may include evaluation of
23 administrative and accounting internal controls and reports on such reviews.

24 4. Perform special research requests, special audits and related
25 assignments as designated by the committee and conduct performance audits,
26 special audits, special research requests and investigations of any state
27 agency, whether created by the constitution or otherwise, as may be requested
28 by the committee.

29 5. Annually on or before the fourth Monday of December prepare a
30 written report to the governor and to the committee which contains a summary
31 of activities for the previous fiscal year.

32 6. In the tenth year and in each fifth year thereafter in which a
33 transportation excise tax is in effect in a county as provided in section
34 42-6104, 42-6106 or 42-6107 conduct a performance audit that:

35 (a) Reviews past expenditures and future planned expenditures of the
36 transportation excise revenues and determines the impact of the expenditures
37 in solving transportation problems within the county and, for a
38 transportation excise tax in effect in a county as provided in section
39 42-6107, determines whether the expenditures of the transportation excise
40 revenues comply with section 28-6392, subsection B.

41 (b) Reviews projects completed to date and projects to be completed
42 during the remaining years in which a transportation excise tax is in effect.
43 Within six months after each review period the auditor general shall present
44 a report to the speaker of the house of representatives and the president of
45 the senate detailing findings and making recommendations. If the parameters

1 of the performance audit are set by the citizens transportation oversight
2 committee, the auditor general shall also present the report to the citizens
3 transportation oversight committee.

4 (c) Reviews, determines, reports and makes recommendations to the
5 speaker of the house of representatives and the president of the senate
6 whether the distribution of highway user revenues complies with title 28,
7 chapter 18, article 2. If the parameters of the performance audit are set by
8 the citizens transportation oversight committee, the auditor general shall
9 also present the report to the citizens transportation oversight committee.

10 7. If requested by the committee, conduct performance audits of
11 counties and incorporated cities and towns receiving highway user revenue
12 fund monies pursuant to title 28, chapter 18, article 2 to determine if the
13 monies are being spent as provided in section 28-6533, subsection B.

14 8. Perform special audits designated pursuant to law if the auditor
15 general determines that there are adequate monies appropriated for the
16 auditor general to complete the audit. If the auditor general determines the
17 appropriated monies are inadequate, the auditor general shall notify the
18 committee.

19 9. Beginning on July 1, 2001, establish a school-wide audit team in
20 the office of the auditor general to conduct performance audits and monitor
21 school districts to determine the percentage of every dollar spent in the
22 classroom by a school district. THE PERFORMANCE AUDITS SHALL DETERMINE
23 WHETHER SCHOOL DISTRICTS THAT RECEIVE MONIES FROM THE ARIZONA STRUCTURED
24 ENGLISH IMMERSION FUND ESTABLISHED BY SECTION 15-756.03 AND THE STATEWIDE
25 COMPENSATORY INSTRUCTION FUND ESTABLISHED BY SECTION 15-756.10 ARE IN
26 COMPLIANCE WITH TITLE 15, CHAPTER 7, ARTICLE 3.1. The auditor general shall
27 determine, through random selection, the school districts to be audited each
28 year, subject to review by the joint legislative audit committee. A school
29 district that is subject to an audit pursuant to this paragraph shall notify
30 the auditor general in writing as to whether the school district agrees or
31 disagrees with the findings and recommendations of the audit and whether the
32 school district will implement the findings and recommendations, implement
33 modifications to the findings and recommendations or refuse to implement the
34 findings and recommendations. The school district shall submit to the
35 auditor general a written status report on the implementation of the audit
36 findings and recommendations every six months for two years after an audit
37 conducted pursuant to this paragraph. The auditor general shall review the
38 school district's progress toward implementing the findings and
39 recommendations of the audit every six months after receipt of the district's
40 status report for two years. The auditor general may review a school
41 district's progress beyond this two-year period for recommendations that have
42 not yet been implemented by the school district. The auditor general shall
43 provide a status report of these reviews to the joint legislative audit
44 committee. The school district shall participate in any hearing scheduled
45 during this review period by the joint legislative audit committee or by any

1 other legislative committee designated by the joint legislative audit
2 committee.

3 B. The auditor general may:

4 1. Subject to approval by the committee, adopt rules necessary to
5 administer the duties of the office.

6 2. Hire consultants to conduct the studies required by subsection A,
7 paragraphs 6 and 7 of this section.

8 C. If approved by the committee the auditor general may charge a
9 reasonable fee for the cost of performing audits or providing accounting
10 services for auditing federal funds, special audits or special services
11 requested by political subdivisions of the state. Monies collected pursuant
12 to this subsection shall be deposited in the audit services revolving fund.

13 D. The department of transportation, the board of supervisors of a
14 county that has approved a county transportation excise tax as provided in
15 section 42-6104, 42-6106 or 42-6107 and the governing bodies of counties,
16 cities and towns receiving highway user revenue fund monies shall cooperate
17 with and provide necessary information to the auditor general or the auditor
18 general's consultant.

19 E. The department of transportation shall reimburse the auditor
20 general as follows, and the auditor general shall deposit the reimbursed
21 monies in the audit services revolving fund:

22 1. For the cost of conducting the studies or hiring a consultant to
23 conduct the studies required by subsection A, paragraph 6, subdivisions (a)
24 and (b) of this section, from monies collected pursuant to a county
25 transportation excise tax levied pursuant to section 42-6104, 42-6106 or
26 42-6107.

27 2. For the cost of conducting the studies or hiring a consultant
28 pursuant to subsection A, paragraph 6, subdivision (c) and paragraph 7 of
29 this section, from the Arizona highway user revenue fund.

30 Sec. 9. Budget request deadlines for fiscal year 2006-2007

31 A. Notwithstanding section 15-756.02, Arizona Revised Statutes, as
32 added by this act, for fiscal year 2006-2007, school districts and charter
33 schools shall submit structured English immersion budget requests to the
34 department of education on or before October 1, 2006.

35 B. Notwithstanding section 15-756.10, Arizona Revised Statutes, as
36 added by this act, for fiscal year 2006-2007, school districts and charter
37 schools shall submit compensatory instruction budget requests to the
38 department of education on or before October 1, 2006.

39 Sec. 10. Appropriation; compensatory instruction grants;
40 exemption

41 A. The sum of \$10,000,000 is appropriated from the state general fund
42 in fiscal year 2006-2007 to the department of education for deposit in the
43 statewide compensatory instruction fund established by section 15-756.10,
44 Arizona Revised Statutes, as added by this act, for distribution to school
45 districts and charter schools.

B. The appropriation made in subsection A of this section is exempt from the provisions of section 35-190, Arizona Revised Statutes, relating to lapsing of appropriations.

Sec. 11. Appropriation; English language acquisition services; exemption

A. The sum of \$1,155,000 is appropriated from the state general fund in fiscal year 2005-2006 to the department of education for up to 20 FTE positions to provide English language acquisition services for the purposes of section 15-756.06, Arizona Revised Statutes, as added by this act.

B. The department of education may use the monies appropriated pursuant to subsection A of this section to contract with a third party to carry out the purposes of section 15-756.06, Arizona Revised Statutes, as added by this act.

C. Notwithstanding section 41-192, Arizona Revised Statutes, the superintendent of public instruction may use up to ____ per cent of the monies appropriated pursuant to subsection A of this section to contract with one or more private attorneys to provide legal services in connection with the case of Flores v. State of Arizona, No. CIV 92-596-TUC-RCC.

D. The appropriation made in subsection A of this section is exempt from the provisions of section 35-190, Arizona Revised Statutes, relating to lapsing of appropriations.

Sec. 12. Appropriation; English language acquisition services; exemption

A. The sum of \$2,310,000 is appropriated from the state general fund in fiscal year 2006-2007 to the department of education for up to 20 FTE positions to provide English language acquisition services for the purposes of section 15-756.06, Arizona Revised Statutes, as added by this act.

B. The department of education may use the monies appropriated pursuant to subsection A of this section to contract with a third party to carry out the purposes of section 15-756.06, Arizona Revised Statutes, as added by this act.

C. Notwithstanding section 41-192, Arizona Revised Statutes, the superintendent of public instruction may use up to ____ per cent of the monies appropriated pursuant to subsection A of this section to contract with one or more private attorneys to provide legal services in connection with the case of Flores v. State of Arizona, No. CIV 92-596-TUC-RCC.

D. The appropriation made in subsection A of this section is exempt from the provisions of section 35-190, Arizona Revised Statutes, relating to lapsing of appropriations.

Sec. 13. Appropriation; English language proficiency tests; exemption

A. The sum of \$900,000 is appropriated from the state general fund in fiscal year 2005-2006 to the department of education for the costs of providing English language proficiency tests to school districts and charter

1 schools for the purposes of title 15, chapter 7, article 3.1, Arizona Revised
2 Statutes, as amended by this act.

3 B. The appropriation made in subsection A of this section is exempt
4 from the provisions of section 35-190, Arizona Revised Statutes, relating to
5 lapsing of appropriations.

6 Sec. 14. Appropriation; English language proficiency tests;
7 exemption

8 A. The sum of \$1,800,000 is appropriated from the state general fund
9 in fiscal year 2006-2007 to the department of education for the costs of
10 providing English language proficiency tests to school districts and charter
11 schools for the purposes of title 15, chapter 7, article 3.1, Arizona Revised
12 Statutes, as amended by this act.

13 B. The appropriation made in subsection A of this section is exempt
14 from the provisions of section 35-190, Arizona Revised Statutes, relating to
15 lapsing of appropriations.

16 Sec. 15. Appropriation; auditor general; evaluation and
17 compliance; exemption

18 A. The sum of \$1,000,000 is appropriated from the state general fund
19 in fiscal year 2006-2007 to the office of the auditor general for the
20 purposes prescribed in section 15-756.11, Arizona Revised Statutes, as added
21 by this act.

22 B. The appropriation made in subsection A of this section is exempt
23 from the provisions of section 35-190, Arizona Revised Statutes, relating to
24 lapsing of appropriations.

25 Sec. 16. Appropriation; ELL funding category

26 The sum of \$13,500,000 is appropriated from the state general fund to
27 the department of education in fiscal year 2006-2007 for distribution to
28 schools and charter schools for the increased support level weight for pupils
29 that qualify for the ELL funding category as prescribed in section 15-943,
30 Arizona Revised Statutes, as amended by section 6 of this act.

31 Sec. 17. Intent

32 A. The legislature declares that even though the legislature has never
33 been named as a party in the litigation in Flores v. State of Arizona, No.
34 CIV 92-596-TUC-RCC, the legislature has already increased funding for English
35 language learners since 2000 by ____ dollars per pupil for a total funding
36 increase for English language learner programs of _____ million
37 dollars.

38 B. The legislature declares that because of the unique geographic and
39 demographic characteristics of this state, it is impossible to compare
40 language acquisition education models and solutions adopted by other states
41 to the needs of this state and inappropriate to automatically adopt such
42 models and solutions.

1 C. The legislature declares that it has grave concerns regarding the
2 validity and reliability of the cost study performed by the National
3 Conference of State Legislatures pursuant to Laws 2001, second special
4 session, chapter 9, section 8. The cost study used what it referred to as
5 the "professional judgment approach" to determine incremental costs for
6 English language learners, yet acknowledged that this kind of approach
7 "depends on the judgments of educational professionals in identifying
8 strategies rather than research that actually shows a linkage between the
9 strategy and student performance".

10 D. Beginning in fiscal year 2007-2008, the legislature intends to
11 replace the current, "one size fits all", system of funding the English
12 language learner group B weight by enacting a comprehensive, efficient and
13 cost-effective program of developing research based models of structured
14 English immersion that comply with all state and federal laws for use by
15 school districts and charter schools and funding the incremental costs of the
16 research based models that are in addition to the normal costs of conducting
17 programs for English proficient students. Furthermore, classification of a
18 pupil as an English language learner is fundamentally different than the
19 classification of a pupil as qualified for any other group B weight category.

20 E. The legislature declares that the costs of implementing the new
21 English language learner programs cannot be determined until the Arizona
22 English language learners task force develops the research based models, as
23 required by this act.

24 F. For fiscal year 2006-2007, the legislature is appropriating
25 additional monies to fund an increase in the English language learner group B
26 weight, in an effort to provide additional resources to school districts and
27 charter schools for enhanced effectiveness of English language learner
28 programs that comply with all state and federal laws.

29 G. The legislature intends that structured English immersion programs
30 be subject to enhanced monitoring and compliance requirements, including
31 effective audit and reporting requirements.

32 Sec. 18. Effective date

33 A. Section 15-901, Arizona Revised Statutes, as amended by this act,
34 is effective from and after June 30, 2007.

35 B. Section 15-943, Arizona Revised Statutes, as amended by section 7
36 of this act, is effective from and after June 30, 2007.

37 Sec. 19. Conditional enactment; group B weight increase;
38 appropriation; notice

39 A. Section 15-943, Arizona Revised Statutes, as amended by section 6
40 of this act, and section 16 of this act, relating to appropriations to the
41 department of education, do not become effective unless the United States
42 District court for the district of Arizona in the case of Flores v. State of
43 Arizona, No. CIV 92-596-TUC-RCC, issues an order that, by this act, the state
44 has taken appropriate action to establish a program that addresses the orders
45 in the case and, at least on an interim basis, the court will permit this act

1 to be fully implemented to determine whether the resulting ELL plans and
2 available funding to implement the plans bear a rational relationship to the
3 cost of implementing appropriate language acquisition programs.

4 B. The superintendent of public instruction shall notify the executive
5 director of the Arizona legislative council in writing if the condition
6 prescribed in subsection A of this section is met. This notice shall include
7 the date on which the condition is met.